

Office of Personnel Management

§ 362.101

§ 359.805 Appeals.

A career appointee who has been furloughed and who believes this subpart or the agency's procedures have not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

§ 359.806 Notice.

(a) An appointee is entitled to a 30 days' advance written notice of a furlough. The full notice period may be shortened, or waived, only in the event of unforeseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

(b) The written notice shall advise the appointee of:

(1) The reason for the agency decision to take the furlough action.

(2) The expected duration of the furlough and the effective dates;

(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The reason if the notice period is less than 30 days;

(5) The place where the appointee may inspect the regulations and records pertinent to the action; and

(6) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

§ 359.807 Records.

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

Subpart I—Removal of Noncareer and Limited Appointees and Reemployed Annuitants

§ 359.901 Coverage.

(a) This subpart covers the removal from the SES of—

(1) A noncareer appointee;

(2) A limited emergency or a limited term appointee; and

(3) A reemployed annuitant holding any type of appointment under the SES.

(b) Coverage does not include, however, a limited emergency or a limited term appointee who is being removed for disciplinary reasons and who is covered by 5 CFR 752.601(c)(2).

§ 359.902 Conditions of removal.

(a) *Authority.* The agency may remove an appointee subject to this subpart at any time.

(b) *Notice.* The agency shall notify the appointee in writing before the effective date of the removal.

(c) *Placement rights.* An appointee covered by this subpart is not entitled to the placement rights provided for career appointees under subpart G of this part.

(d) *Appeals.* Actions taken under this subpart are not appealable to the Merit Systems Protection Board under 5 U.S.C. 7701.

PART 362—PRESIDENTIAL MANAGEMENT INTERN PROGRAM

Subpart A—Purpose and Definitions

Sec.

362.101 Purpose.

362.102 Definitions.

Subpart B—Program Administration

362.201 Nomination and selection.

362.202 Appointment and extensions.

362.203 Conversion to competitive service.

362.204 Resignation, termination, and reduction in force.

362.205 Movement of interns between departments or agencies.

362.206 Career development.

AUTHORITY: E.O.12364 of May 24, 1982, 3 CFR, 1982 Comp., p. 185.

SOURCE: 62 FR 44199, Aug. 20, 1997, unless otherwise noted.

Subpart A—Purpose and Definitions

§ 362.101 Purpose.

The Presidential Management Intern (PMI) Program is designed to attract to Federal service outstanding men and women from a wide variety of academic disciplines who have a clear interest in, and commitment to, a career in the analysis and management of public policies and programs.

§ 362.102 Definitions.

(a) A *Presidential Management Intern* is appointed in the excepted service under § 213.3102(ii) of this chapter, in an executive agency or department. The individual must have completed a graduate course of study at a qualifying college or university, received the nomination of the dean or academic program director, successfully completed an OPM-administered assessment process, and been selected and appointed by an agency for a 2-year Presidential Management Internship.

(b) A *qualifying college or university* is an academic institution formally accredited by an accrediting organization recognized by the Secretary of the U.S. Department of Education (34 CFR part 602).

Subpart B—Program Administration

§ 362.201 Nomination and selection.

(a) *Eligibility.* Individuals eligible to be nominated for the Program are graduate students from a variety of academic disciplines completing or expecting to complete, during the current academic year, an advanced degree from a qualifying college or university. These individuals must demonstrate an exceptional ability, a clear interest in, and a commitment to a career in the analysis and management of public policies and programs.

(b) *Nomination procedure.* (1) The college or university making nominations for the Program shall establish a competitive nomination process to ensure that all eligible students are aware of the PMI Program and how to apply for nomination. The process will also ensure that applicants receive careful and thorough review, and that all receive equal opportunity for nomination.

(2) Students must be nominated by the dean, chairperson, or academic program director.

(3) Students who apply to be nominated must be rated qualified or not qualified for nomination. Nominations are made by school officials through completion of the PMI application form.

(4) Students eligible for veterans' preference who apply for nomination

and are found qualified must be nominated. Based on the documentation provided by the student, the college or university must determine preliminary eligibility for veterans' preference. Students eligible for veterans' preference who believe they met the college or university's nomination qualification requirements, but were not nominated, may request a review by the OPM PMI Program office.

(c) *Selection.* Selection of Program finalists will be based on an OPM evaluation of the PMI application and a structured assessment center process. Veterans' preference will be adjudicated by OPM.

§ 362.202 Appointment and extensions.

(a) *Appointing authority.* The appointment authority for Presidential Management Interns is 5 CFR 213.3102(ii). Appointments cannot exceed 2 years unless extended for up to 1 additional year by the agency with the approval of OPM under § 362.203(b).

(b) *Completion of degree requirements.* Agencies must assure that all graduate degree requirements have been met at the time of appointment. Interns may not be appointed prior to the completion of all graduate degree requirements. Exceptions may be made on an individual basis, but in no case will an intern be allowed to remain in the program if all degree requirements are not completed by August 31 of the year in which the intern was selected as a finalist.

(c) *Time period.* Agencies may appoint individuals with formal notification of their selection as PMI finalists no later than December 31 of the year in which they were selected as finalists. Exceptions may be granted on a case-by-case basis upon request of the agency to the OPM PMI Program office no later than December 15 of the year in which the interns were finalists.

(d) *Grade and pay.* Initial appointments must be made at the grade 9, step 1 level of the General Schedule. If an intern has had prior higher level Federal Government service, the individual may be placed at a higher step within the GS-9 rate range consistent with the maximum payable rate rules under 5 CFR 531.203(c). Promotion to

the GS-11 level may occur after satisfactory completion of 1 year of continuous service. Under 5 CFR 213.3102(ii), intern positions are authorized only at the GS-9 and GS-11 levels. Therefore, the agency has the option of promoting an intern to the GS-12 level on or after the date of conversion to the competitive service.

(e) *Citizenship.* Interns do not need to be United States citizens during their internship. However, if a noncitizen intern is hired, the agency must make sure that:

(1) The intern is lawfully admitted to the United States as a permanent resident or otherwise is authorized to be employed by the U.S. Immigration and Naturalization Service;

(2) The agency is authorized to pay the noncitizen under the annual appropriations act ban or any agency-specific enabling appropriation statute; and

(3) The intern acquires United States citizenship prior to conversion under 5 CFR 315.708.

(f) *Extensions.* Agencies must request, in writing, OPM approval to extend an internship for up to 1 additional year beyond the authorized 2 years in order to provide the intern with additional training and developmental activities. The request should be submitted no later than 60 days prior to the end of the initial 2-year period.

§ 362.203 Conversion to competitive service.

(a) In accordance with 5 CFR 315.708, employees who are United States citizens and have successfully completed Presidential Management Internships may be converted noncompetitively to career or career-conditional appointments in positions for which they are qualified.

(b) Conversions will be effective on the date the 2-year service requirement is met, unless the internship is extended by the agency, with approval of OPM, for up to one additional year.

(c) Agencies must inform the OPM PMI Program office when an individual will not be converted.

§ 362.204 Resignation, termination, and reduction in force.

(a) *Resignation.* An employee who resigns during the internship does not have reinstatement eligibility for competitive service positions and cannot be re-internted to the PMI Program.

(b) *Termination.* The appointment of a Presidential Management Intern expires at the end of the 2-year internship period. At that time, the employing agency may, with no break in service, convert the intern to a career or career-conditional appointment in accordance with 5 CFR 315.708, or extend the internship in accordance with § 362.202(b). If neither action is taken, the PMI appointment terminates.

(c) *Reduction in force.* Presidential Management Interns are in the excepted service Tenure Group II for purposes of § 351.502 of this chapter.

§ 362.205 Movement of interns between departments or agencies.

To move from one agency to another during the internship, the intern must separate from the current agency and be reappointed under PMI appointment by the new employing agency without a break in service. The intern does not begin a new 2-year internship period; the time previously served under the PMI Program counts toward the completion of the 2-year period. The new employing agency must notify the OPM PMI Program office of the action.

§ 362.206 Career development.

(a) *OPM responsibilities.* OPM will:

(1) Provide orientation and graduation programs for each intern class; and

(2) Serve as a clearinghouse of available training opportunities.

(b) *Agency responsibilities.* Each agency will:

(1) Work with the intern to develop a written outline of core competencies and technical skills (called an individual development plan) the intern must gain before conversion to a target position;

(2) Provide at least 80 hours of formal training a year, including training in core competencies targeted to a functional area into which the intern will most likely be converted; and

(3) Provide at least one rotational assignment to another functional area, made at the discretion of the agency.

PART 410—TRAINING

Subpart A—General Provisions

Sec.

410.101 Definitions.

Subpart B—Planning for Training

- 410.201 Responsibilities of the head of an agency.
- 410.202 Integrating employee training and development with agency strategic plans.
- 410.203 Assessing organizational, occupational, and individual needs.
- 410.204 Options for developing employees.

Subpart C—Establishing and Implementing Training Programs

- 410.301 Scope and general conduct of training programs.
- 410.302 Responsibilities of the head of an agency.
- 410.303 Employee responsibilities.
- 410.304 Funding training programs.
- 410.305 Establishing and using interagency training.
- 410.306 Selecting and assigning employees to training.
- 410.307 Training for promotion or placement in other positions.
- 410.308 Training to obtain an academic degree.
- 410.309 Agreements to continue in service.
- 410.310 Computing time in training.
- 410.311 Records.

Subpart D—Paying for Training Expenses

- 410.401 Determining necessary training expenses.
- 410.402 Paying premium pay.
- 410.403 Payments for temporary duty training assignments.
- 410.404 Determining if a conference is a training activity.
- 410.405 Protection of Government interest.
- 410.406 Records of training expenses.

Subpart E—Accepting Contributions, Awards, and Payments From Non-Government Organizations

- 410.501 Scope.
- 410.502 Authority of the head of an agency.
- 410.503 Records.

Subpart F—Evaluating Training

- 410.601 Responsibility of the head of an agency.
- 410.602 Records.

Subpart G—Reports

410.701 Reports.

AUTHORITY: 5 U.S.C. 4101, *et seq.*; E.O. 11348, 3 CFR, 1967 Comp., p. 275.

SOURCE: 61 FR 66193, Dec. 17, 1996, unless otherwise noted.

Subpart A—General Provisions

§ 410.101 Definitions.

In this part:

(a) *Agency, employee, Government, Government facility, and non-Government facility* have the meanings given these terms in section 4101 of title 5, United States Code.

(b) Exceptions to organizations and employees covered by this subpart include:

(1) Those named in section 4102 of title 5, United States Code, and

(2) The U.S. Postal Service and Postal Rate Commission and their employees, as provided in Pub. L. 91-375, enacted August 12, 1970.

(c) *Training* has the meaning given to the term in section 4101 of title 5, United States Code.

(d) *Mission-related training* is training that supports agency goals by improving organizational performance at any appropriate level in the agency, as determined by the head of the agency. This includes training that:

(1) Supports the agency's strategic plan and performance objectives;

(2) Improves an employee's current job performance;

(3) Allows for expansion or enhancement of an employee's current job;

(4) Enables an employee to perform needed or potentially needed duties outside the current job at the same level of responsibility; or

(5) Meets organizational needs in response to human resource plans and re-engineering, downsizing, restructuring, and/or program changes.

(e) *Retraining* means training and development provided to address an individual's skills obsolescence in the current position and/or training and development to prepare an individual for a different occupation, in the same agency, in another Government agency, or in the private sector.

(f) *Continued service agreement* has the meaning given to service agreements